IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4094 of 2005

Between:

Vadlakonda Sammaiah, S/o. Komaraiah,
R/o. Obulapur Village, Zaffergad Mandal,
Warangal District.

..... PETITIONER

AND

1 The Head Master, Upper Primary School, Obulapur Village, Zaffergad Mandal, Warangal District.
2 The Mandal Educational Officer, Zaffergad Mandal, Warangal, District.
3 The Additional Project Co-Ordinator, Office of the District Project Co-Ordinator, District Primary Education Programme, Warnagal.
4 Smt. Lingampalli Vanamma, W/o. Prakash,
Obulapur Village, Zaffergad Mandal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue Writ Order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent Nos. 2 and 3 herein in not taking any steps against the 4th respondent pursuant to the representation submitted by the petitioner and others on 8.2.2005 as illegal, arbitrary and contrary to the provisions of A.P. School Education (Community Participation) Act, 1998 and consequently direct the respondent Nos. 2 and 3 to forthwith remove the 4th respondent from the post of Chairman of Upper Primary School, Obulapur Village, Zaffergad Mandal, Warangal District duly declaring the acts and deeds done by the 4th respondent during the period of her disqualification as null and void.

Counsel for the Petitioner :MR.CHINDAM.PRATAP

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.4 : None appeared.

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed seeking a declaration that the inaction on the part of the respondents 2 and 3 in taking steps against the fourth respondent on the basis of the representation of the petitioner dated 08.02.2005 is arbitrary and illegal and contrary to the provisions of Andhra Pradesh School Education (Community Participation) Act, 1998 (for short “the Act”).

The petitioner states that the fourth respondent herein was elected as a Chairman of the Committee constituted under the provisions of the Act, for upper primary school at Obulapur village, Zaffargad Mandal, Warangal District, as her daughter was studying in that school. However, subsequently the daughter of the fourth respondent discontinued her studies in the Upper Primary School and consequently the fourth respondent is not entitled to be continued as a Chairman of the Committee. In the circumstances, the petitioner along with two others made a representation, dated 08.02.2005, requesting respondents 2 and 3 to take necessary action for removal of the fourth respondent as a chairman of the Committee. It appears that the Headmaster of the school also made a similar representation requesting the second respondent to take necessary action. The grievance of the petitioner is that respondents 2 and 3 failed to take any action as per the mandatory provisions of the Act. Hence this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader for School Education appearing for the respondents 1 to 3, the writ petition is disposed of with a direction to the respondents 2 and 3 to consider the representation of the petitioner dated 08.02.2005 and to pass appropriate orders in accordance with the provisions of the Act, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. No costs.

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03.03.2005

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To

1 The Head Master, Upper Primary School, Obulapur Village, Zaffergad Mandal, Warangal District.
2 The Mandal Educational Officer, Zaffergad Mandal, Warangal, District.
3 The Additional Project Co-Ordinator, Office of the District Project Co-Ordinator, District Primary Education Programme, Warnagal.
4 Two C.Cs to the G.P. for School Education, High Court Buildings, Hyderabad (OUT).

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